

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CLARENCE DENNIS DEES,
AIS #234915,

Plaintiff,

V.

WARDEN MYLES *et al.*,

Defendants.

CASE NO. 2:20-CV-1072-WKW
[WO]

ORDER

On December 6, 2021, the Magistrate Judge filed a Recommendation that the court grant Plaintiff's motions to amend the complaint. (Doc. # 94.) Granting the motions would result in dismissal of Plaintiff's claims against Defendants J. Wilson, A. Murphy, and Warden Myles, as well as the dismissal of Plaintiff's excessive force claim against all Defendants. Plaintiff has filed what he has styled as an objection to the Recommendation. (Doc. # 103.) But the nature of the objection is unclear because Plaintiff argues for a favorable ruling on his motions to amend, and a favorable ruling is consistent with the Magistrate Judge's Recommendation.

Accordingly, based on *de novo* review, it is ORDERED as follows:

(1) To the extent that Plaintiff objects to the Recommendation, the objection (Doc. # 103) is OVERRULED;

(2) The Recommendation of the Magistrate Judge (Doc. # 94) is ADOPTED;

(3) Plaintiff's motions to add and dismiss parties and to dismiss the excessive force claim (Docs. # 44, 81, 83) are further GRANTED to the extent that Plaintiff's excessive force claim is DISMISSED and that Plaintiff's 42 U.S.C. § 1983 claims against Defendant J. Wilson, A. Murphy, and Warden Myles are DISMISSED¹; and

(4) The Clerk of the Court is DIRECTED to terminate Defendants J. Wilson, A. Murphy, and Warden Myles as parties to this action.

This action is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 27th day of January, 2022.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

¹ The Magistrate Judge previously granted Plaintiff's motions to amend the complaint and permitted Plaintiff to add additional Defendants. (Doc. # 87.) This Order addresses those portions of the motions to amend that seek dismissal of claims and parties. It also clarifies and reaffirms that the excessive force claim has been dismissed. (See Doc. # 45 (granting Plaintiff's motion to "omit" the excessive force claim).)